
Public Utilities Commission of the State of California

Public Agenda 3092

Thursday, August 8, 2002 10:00 a.m.

San Francisco, California

Commissioners

Loretta M. Lynch, President

Geoffrey F. Brown

Henry M. Duque

Michael R. Peevey

Carl W. Wood

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, August 05, 2002 (San Francisco)	Thursday, August 08, 2002 (San Francisco)
Monday, August 19, 2002 (San Francisco)	Thursday, August 22, 2002 (San Francisco)
Friday, August 30, 2002 (San Francisco)	Thursday, September 05, 2002 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
- CA-15

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

- CA-1**
799 **Res TL-19008**
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374 (b) of the Public Utilities Code.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125500
- CA-2**
800 **Res ALJ-176-3092**
Ratification of preliminary determinations of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
- CA-3**
691 **C00-04-029 - George M. Sawaya (Complainant) vs. MCI Telecommunications Corp., a.k.a. MCI WorldCom and MCI WorldCom, Inc.**
This decision grants the request of Complainant for intervenor compensation for his substantial contribution to D01-11-017. As adjusted, the amount awarded Complainant is \$3,148.29. This proceeding is closed.
(Comr Wood - ALJ Prestidge)
(Agenda 3090, Item CA-10 6/27/2002; Agenda 3091, Item CA-4 7/17/2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126160

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- CA-4
568** **C01-01-029 - Enron Energy Services, Inc., and Enron Energy Marketing Corp. vs. Southern California Edison Company.**
Complaint and cross-complaint dismissed at the request of the parties. This proceeding is closed.
(Comr Wood - ALJ Barnett)
(Agenda 3088, Item CA-17 5/16/2002; Agenda 3090, Item CA-50 6/27/2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124922
- CA-5
569** **C01-08-041 - Enron Energy Services, Inc., and Enron Energy Marketing Corp. vs. Southern California Edison Company.**
This decision grants a dismissal of the complaint and cross-complaint, requested by all parties. The \$9,715,860.28 deposited by complainants is refunded to complainants, as requested by all parties. This proceeding is closed.
(Comr Wood - ALJ Barnett)
(Agenda 3088, Item CA-18 5/16/2002; Agenda 3090, Item CA-51 6/27/2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124921
- CA-6
808** **Res E-3771 - Southern California Edison Company (Edison).**
Edison requests approval of its 1999 Performance-Based Ratemaking Performance Report, which details revenue sharing calculations and service quality performance rewards for 1999. This resolution approves Edison's request. (Advice Letter 1449-E filed April 14, 2000).
Pub. Util. Code § 311 – This item was mailed for Public Comment
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125462
- CA-7
814** **A00-05-066 - Southern California Edison Company (Edison).**
For approval of the Fifth Amendment to the Power Purchase Contract between Edison and Watson Cogeneration Company. Because of changed circumstances since this application was filed, Edison states that proposed pricing changes cannot at this time be implemented. Accordingly, the application is dismissed without prejudice to the parties' to refile at a later time. This proceeding is closed.
(Comr Wood - ALJ Walker)
Pub. Util. Code § 311 – This item was mailed for Public Comment
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124081
- CA-8
830** **Res O-0042 - Chevron Pipe Line Company (CPL).**
This resolution approves CPL's proposal to increase its tariff for transporting petroleum products from South Livermore to Fremont in Alameda County. (Advice Letter (AL) 30-O filed May 1, 2002; AL 30-O-A filed May 13, 2002).
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- CA-9**
839 **A02-02-028 - Verizon California Inc. (Verizon).**
Petition for arbitration pursuant to Section 252(i) of the Telecommunications Act of 1996 and 47 C.F.R. Section 51.809 to prevent the adoption of an alternative dispute resolution clause from another interconnection agreement requested by ICG Telecom Group, Inc. Because the underlying issue prompting this matter has been resolved, the Petition for Arbitration filed by Verizon California Inc. is dismissed. This proceeding is closed.
(Comr Duque - ALJ Walker)
Pub. Util. Code § 311 – This item was mailed for Public Comment
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126137
- CA-10**
848 **A02-01-042 - Pacific Gas and Electric Company (PG&E).**
This decision denies PG&E's application for approval of an Amendment to the Power Purchase Agreement between PG&E and Oildale Energy LLC, a California limited liability company. This proceeding is closed.
(Comr Wood - ALJ DeBerry)
Pub. Util. Code § 311 – This item was mailed for Public Comment
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126175
- CA-11**
856 **A01-09-034 - Catalina Freight Line (CFL).**
This decision denies the request of CFL to establish a zone of rate freedom for its vessel common carrier freight service between the Port of Los Angeles and Catalina Island. This proceeding is closed.
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125122
- CA-12**
857 **A02-04-013 - Constantino Fourniotis dba Acropolis Airport Shuttle (Applicant).**
This decision authorizes Applicant to transfer his on-call passenger stage corporation to Abdisamad M. Deria. This proceeding is closed.
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125068
- CA-13**
859 **A01-11-047 - City of Palo Alto (City).**
This decision grants the request of the City for a finding that the construction of a bicycle/pedestrian path along CalTrain's right-of-way will not create an unsafe situation for railway workers and users of the proposed path. This proceeding is closed.
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=118545

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- CA-14
861** **R00-10-002 - Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system.**
This decision denies the February 20, 2002 petition for modification of D01-09-020 by Dr. Lee F. Walker. The proceeding remains open.
(Comr Wood - ALJ Mattson)
Pub. Util. Code § 311 – This item was mailed for Public Comment
- CA-15
862** **C01-12-032 - Edward A. Sweeney vs. San Diego Gas & Electric Company (SDG&E).**
Complainant requests that SDG&E be required to move a power pole on his property and pay for the move, approximately \$12,454. Held, complainant must pay to move the power pole because the relocation would be for his convenience, and would not benefit the utility or other ratepayers. Complainant's appeal is denied. This proceeding is closed.
(Comr Peevey - ALJ Barnett)
Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session
- CA-16
863** **R98-09-005 - Order Instituting Rulemaking on the Commission's own motion to consider modifications to the Universal Lifeline Telephone Service Program and General Order 153.**
This decision modifies rates adopted for Greenlining Institute and Latino Issues Forum attorneys Susan Brown and Robert Gnaizda, resulting in an incremental award of \$1,534.00. This proceeding is closed.
(Comr Brown - ALJ Cooke)
Pub. Util. Code § 311 – This item was mailed for Public Comment
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126450
- CA-17
865** **Res T-16674 - Pacific Bell Telephone Company (Pacific).**
This resolution approves a CMRS Interconnection Agreement between Pacific and PageData, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 22925 filed May 15, 2002).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126509
- CA-18
866** **Res T-16676 - Pacific Bell Telephone Company (Pacific).**
This resolution approves an Interconnection Agreement between Pacific and Excel Telecommunications, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 22912 filed May 10, 2002).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126510
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- CA-19**
867 **Res T-16675 - Verizon California Inc. (Verizon).**
This resolution approves an Interconnection Agreement between Verizon and CityNet Telecommunications, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 10094 filed May 10, 2002).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126511
- CA-20**
868 **Res T-16677 - Verizon California Inc. (Verizon).**
This resolution approves an Interconnection Agreement between Verizon and DMJ Communications, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 10100 filed May 15, 2002).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126512
- CA-21**
870 **A02-05-027 - Express Telephone Services, Inc. (Applicant).**
This decision grants the Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange and interexchange telecommunications services. This proceeding is closed.
(Comr Peevey - ALJ O'Donnell)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125057
- CA-22**
871 **A99-02-004 - California Water Service Company (CWS), Dominguez Water Company (Dominguez), Kern River Valley Water Company (Kern River), and Antelope Valley Water Company (Antelope Valley).**
For approval of a plan of merger of CWS, Dominguez, Kern River, and Antelope Valley. This decision grants the unopposed petition for modification of D00-05-047 filed by CWS and modifies D00-05-047 to authorize CWS to file the first combined-district Palos Verdes/Hermosa-Redondo general rate case in 2002, rather than 2001, and the second combined-district GRC in 2005, rather than 2004. Accordingly, the decision directs CWS to withdraw A01-09-076. This decision orders CWS to establish a memorandum account to track general office synergies related to the merger of these districts, in order to protect ratepayers' interests. This proceeding is closed.
(Comr Duque - ALJ Veith)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122380
- CA-23**
872 **A02-01-023 - McGraw Communications, Inc. (Applicant).**
This decision grants the Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange and interexchange telecommunications service. This proceeding is closed.
(Comr Peevey - ALJ O'Donnell)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124609
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- CA-24**
886 **Res W-4344 - Penngrove Water Company (PWC), Penngrove District.**
This resolution authorizes an offset rate increase for PWC of \$2,830 or 0.8% additional revenue. (Advice Letter 49 filed May 28, 2002).
- CA-25**
889 **Res T-16673**
This resolution approves voluntary revocation of certificates of public convenience and necessity of 18 telecommunications carriers: U-4285 Southwest Communication Resources, Inc.; U-5168 Intellicall Operator Services, Inc.; U-5278 WorldCom Network Services, Inc.; U-5327 Pacific Gateway Exchange, Inc.; U-5481 CoreComm California, Inc.; U-5488 Wiebe Telecommunications, Inc.; U-5598 TelAmerica; U-5781 Comcast Telephony Communications of California, Inc.; U-5858 Federal Communications Corporation; U-5999 Jones Telecommunications of California, Inc.; U-6062 CoreComm California, Inc.; U-6108 CoreComm Newco, Inc.; U-6182 Eagle Communications of California, LLC; U-6191 DSLnet Communications, LLC; U-6423 WIN Telecommunications; U-6481 Metstream Communications, Inc.; U-6574 Keen LD, Inc.; U-6577 Intelligent Switching & Software, LLC.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=127137
- CA-26**
891 **A02-04-029 - Rajen R. Chovatia dba Air-Transit Shuttle.**
This decision authorizes Rajen R. Chovatia to transfer his on-call passenger stage corporation to Air-Transit Shuttle LLC. This proceeding is closed.
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126660
- CA-27**
896 **Res W-4345 - California Utilities Service, Inc. (CUS).**
This resolution authorizes CUS a surcharge to recover an undercollection in its purchased power balancing account producing an increase in annual revenue of \$15,437 or 2.2%. (Advice Letter 30 filed May 28, 2002).
- CA-28**
897 **Res W-4346 - Alisal Water Corporation (ALCO).**
This resolution recognizes John W. Richardson as the court-appointed receiver of ALCO's small water systems consisting of Toro Water Service, Inc., Moss Landing Water Service, Inc., North Monterey County Water Service, Inc., Blackie Road Water System #18, San Jerado Water System, Vierra Canyon Water System, Langley/Valle Pacifico Water System, and Buena Vista Water System.

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- CA-29
898** **A02-03-057 - AccuTel of Texas, Inc. d/b/a 1-800-4-A-Phone (Applicant).**
This decision grants the Applicant a certificate of public convenience and necessity to provide limited facilities-based local exchange and interexchange telecommunications services. This proceeding is closed.
(Comr Peevey - ALJ O'Donnell)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125070
- CA-30
909** **Res TL-19009 - Mundo Express, Inc. (Applicant).**
This resolution grants the Applicant a passenger stage corporation certificate to conduct scheduled intrastate transportation services on routes over which it provides interstate service under its federal operating authority.
- CA-31
911** **Res W-4343 - Point Arena Water Works, Inc. (PAWW).**
This resolution authorizes an interim increase in PAWW's rates, subject to refund, producing additional annual revenues of \$70,137 of 56.9% for test year 2002.
- CA-32
918** **Res T-16678 - Pacific Bell Telephone Company (Pacific).**
This resolution approves a Resale Agreement between Pacific and WaveSent, LLC in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 22948 filed May 22, 2002)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=127760
- CA-33
919** **A02-03-014 - Everyday Communications Corp. (Applicant).**
This decision grants the Applicant a certificate of public convenience and necessity to resell local exchange telecommunications services. This proceeding is closed.
(Comr Peevey - ALJ O'Donnell)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126431
- CA-34
920** **A00-11-038 - Southern California Edison Company (Edison).**
For authority to institute a Rate Stabilization Plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision awards Greenlining Institute and Latino Issues Forum \$221,709.81 in compensation for its contribution to D01-01-018 and D01-03-082.
(Comr Lynch - ALJ DeBerry)
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- CA-35**
923 **A98-06-054 - City of Los Angeles (City).**
This decision grants the City's request for authority to close the Goodwin Avenue crossing rather than the Doran Street crossing in connection with the construction of the new Mason Avenue at-grade crossing in Los Angeles, Los Angeles County. This proceeding is closed.
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126581
- CA-36**
924 **A01-03-047 - California Department of Transportation (Caltrans).**
This decision authorizes Caltrans to widen Sanguinetti Road Overhead and to construct Sanguinetti Road Overhead off-ramp over the track of the Sierra Railroad Company in Sonora, Tuolumne County. This proceeding is closed.
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126460
- CA-37**
925 **A02-05-009 - BullsEye Telecom, Inc. (Applicant).**
This decision grants the Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange and resold interexchange telecommunications services. This proceeding is closed.
(Comr Peevey - ALJ O'Donnell)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126245
- CA-38**
927 **W-4347 - Toro Water Service (TWS).**
This resolution authorizes a surcharge to recover an undercollection in TWS's purchased power balancing account producing an increase in annual revenue of \$15,886 or 5.49%.
- CA-39**
930 **A00-07-043 - Pacific Gas and Electric Company (PG&E).**
For authority, among other things, to increase rates and charges for electric service effective on January 1, 2001. This decision grants intervenor compensation awards to Aglet Consumer Alliance (Aglet) and The Utility Reform Network (TURN) for contributions to D02-02-043 in the amount of \$21,983.05. Separate payments are to be made in the following amounts: \$21,296.19 to Aglet; \$686.86 to TURN. This proceeding is closed.
(Comr Wood - ALJ Maloney)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126772
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**CA-40
932**

A02-05-023 - Southern California Edison Company (SCE).

This decision grants SCE authority under Pub. Util. Code § 851 to enter into three master agreements and associated standard agreements and three stand-alone agreements that will lease excess space at communication facility sites and antenna equipment locations to Nextel of California, Inc. (Nextel). Nextel will use the space to expand its wireless communications network. In D00-07-010, the Commission previously granted similar authority to SCE to lease these types of space to Pacific Bell Mobile Services. The application is unopposed and is granted. This proceeding is closed.
(Comr Brown - ALJ Walker)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123905

**CA-41
933**

A00-10-026 - 360networks (USA) inc. (Applicant).

This proceeding was initiated by the Applicant, the successor to Pacific Fiber Link, L.L.C. Applicant sought environmental review and authority to install a fiber optic conduit cable project between Sacramento and Los Angeles. Applicant now requests withdrawal and dismissal of this proceeding. This request is granted. This proceeding is closed.

(Comr Duque - ALJ Walker)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=122995

**CA-42
939**

A02-04-049 - Southern California Edison Company (SCE).

This decision grants SCE authority under Pub. Util. Code § 851 to enter into four master agreements and associated standard agreements that will lease excess space at communication facility sites and antenna equipment locations to Sprint PCS Assets L.L.C. (Sprint PCS). Sprint PCS will use the space to expand its wireless communications network. In D00-07-010, the Commission previously granted similar authority to SCE to lease this type of space to Pacific Bell Mobile Services. The application is unopposed and is granted. This proceeding is closed.

(Comr Brown - ALJ Walker)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123843

Regular Agenda

Utility and Transportation Orders Orders Held Over

H-1 A00-07-006 - Southern California Edison Company (SCE).

168 For authority to issue, sell, and deliver one or more series of debt securities and to guarantee the obligations of others in respect of the issuance of debt securities, the total aggregate principal amount of such indebtedness and guarantees not to exceed \$1,586,840,000; to execute and deliver one or more indentures; to sell, lease, assign, mortgage, or otherwise dispose of or encumber utility property; to issue, sell and deliver in one or more series, an aggregate amount not to exceed \$250,000,000 par or stated value of cumulative preferred stock -- \$25 Par Value, cumulative preferred stock - \$100 Par Value, preference stock or any combination thereof and for an exemption from the Commission's Competitive Bidding Rule. A88-03-024, A00-07-048, A97-11-032 - Related matters. This decision grants SCE certain exemptions from the Competitive Bidding Rule pursuant to its expedited petition for modification of D88-07-069 and D00-10-063. These proceedings are closed. (Agenda 3058, Item CA-35, 2/22/01, Continuation. 3/7/01; Agenda 3067, Item H-5, 7/12/01) (Comr Lynch - ALJ Evans) (Agenda 3090, Item H-3 6/27/2002) http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125973

H-2 R93-04-003 - California Public Utilities Commission.

623 Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for Network Architecture Development of Dominant Carrier Networks. I93-04-002 - Related matters. This decision adopts permanent Unbundled Network Element rates for the High Frequency Portion of the Loop (HFPL) for both Pacific Bell Telephone Company (Pacific) and Verizon California Inc. (Verizon). The decision finds that establishing a separate rate for the HFPL allows Pacific and Verizon to over-recover their loop costs, since they currently recover the full cost of the loop through rates for the unbundled loop. Pacific and Verizon are required to return HFPL revenues to ratepayers through a surcredit on residential and business basic exchange customers bills. (Comr Wood - ALJ Jones) *Pub. Util. Code § 311 – This item was mailed for Public Comment* (Agenda 3089, Item 3 6/6/2002; Agenda 3091, Item H-6 7/17/2002) http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126213

**H-3
703 R97-08-001 - Rulemaking on the Commission's own motion to consider adoption of rules applicable to interexchange carriers for the transfer of customers including establishing penalties for unauthorized transfer.**

I97-08-002 - Related matters. This decision modifies the hourly rates for attorneys Brown and Gnaizda, but denies the remainder of the Petition for Modification of D01-09-011 filed by Latino Issues Forum and Greenlining Institute on the grounds that the Commission is not persuaded to modify the decision.

(Comr Brown - ALJ Bushey)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3090, Item 4 6/27/2002; Agenda 3091, Item H-8 7/17/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126162

**H-4
714 A98-02-017 - Pacific Bell (Pacific).**

For authority to categorize business inside wire repair, interexchange carrier directory assistance, operator assistance service and inmate call control service as Category III services. A98-04-048 - Related matters. This decision denies the Office of Ratepayer Advocates' petition for modification of D99-06-053 to recategorize Pacific's Residential Inside Wire Repair (RIWR) service option to Category II from Category III and to reset Pacific's RIWR wirepro ceiling rate to \$1.20 from \$2.99. These proceedings are closed.

(Comr Duque - ALJ Galvin)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3090, Item 7 6/27/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123394

**H-5
840 R_____ - Order Instituting Rulemaking to examine whether the Commission's regulations regarding prearrangement of transportation by charter-party carriers should be revised.**

This proceeding is opened to consider revisions to the Commission's regulations regarding prearrangement of transportation by charter-party carriers. Among other things, the Commission seeks to ensure that carriers do not unlawfully conduct taxicab or taxicab-like operations under their Commission-issued licenses.

(Comr Duque)

(Agenda 3091, Item 5 7/17/2002)

Orders**1
668 I01-06-047 - Investigation into the natural gas procurement practices of the Southwest Gas Company (Southwest).**

This decision disallows \$3,185,430 in gas procurement costs by Southwest for April 2000 through March 2001. This decision also orders rebates to customers. This proceeding is closed.

(Comr Wood - ALJ Sullivan)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123025

**1a
676 ALTERNATE TO ITEM 668**

This alternate differs from the proposed decision (PD) in only the magnitude of the resulting disallowance. Both versions find that Southwest Gas was imprudent for having failed to more fully utilize its storage capability or enter into procurement contracts to ensure stable prices during the winter of 2000-2001. The PD disallows \$3.185 million in gas purchase costs, while this alternate disallows \$5.799 million.

(Comr Wood)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123221

**1b
887 ALTERNATE TO ITEM 668**

This alternate differs from the proposed decision in only the magnitude of the resulting disallowance. This alternate disallows \$1.433 million in gas purchase costs.

(Comr Duque)

**2
798 A02-03-012 - Level 3 Communications, LLC (Level 3).**

Level 3 filed this application to provide local exchange services in the service territories of Citizens Telecommunications Company of the Golden State, Inc., Evans Telephone Company, and Sierra Telephone Company, Inc. This decision denies the application because the Commission has not opened the requested service areas to local exchange competition. This decision also establishes requirements Applicant will have to meet for filing a notice of a request to an incumbent local exchange carrier for interconnection, services, or network elements, pursuant to Section 251(f) of the Telecommunications Act of 1996. This proceeding is closed.

(Comr Peevey - ALJ O'Donnell)

Pub. Util. Code § 311 – This item was mailed for Public Comment

**3
834 R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**

I95-04-044 - Related matters. By this decision, the Commission adopts rules regarding movement of the Minimum Point of Entry (MPOE) and/or the Local Loop Demarcation Point (LLDP), and the ownership of Service Provisioning Cross-Connects (SPCs). The adopted rules are included as Attachments A and B to this decision. The rules provide that the utility shall relocate the MPOE/LLDP at the property owner's request. The costs of the relocation will be paid by the property owner. The rules also provide that SPCs shall be owned by the facilities-based carrier that provides service to the customer.

(Comr Peevey - ALJ O'Donnell)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=125217

**4
858 R01-08-027 - Order Instituting Rulemaking on the Commission's proposed policies and programs governing low-income assistance programs.**

This decision adopts a methodology for testing the cost-effectiveness of the Low-Income Energy Efficiency program as a whole and of the specific measures offered under the program.

(Comr Wood - ALJ Gottstein)

Pub. Util. Code § 311 – This item was mailed for Public Comment

**5
864 A01-06-003 - Pacific Gas and Electric Company (PG&E).**

Application in the 2000/2001 revenue adjustment proceeding. PG&E's revenue adjustment proceeding for July 1999-2002 disallows \$33,166 in special contract costs; eliminates one balancing and 11 memorandum accounts; and verifies undisputed entries in the Transition Revenue Account and other specialized accounts. This proceeding is closed.

(Comr Brown - ALJ Sullivan)

Pub. Util. Code § 311 – This item was mailed for Public Comment

**6
936 R_____ - Order Instituting Rulemaking to implement the provisions of Public Utilities Code § 761.3, enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.**

This proceeding is opened to implement Pub. Util. Code §761.3, which confirms the authority of the Commission to address electric generation facility issues. The purpose of this proceeding is to develop rules to (1) enforce California Independent System Operator outage scheduling protocols and (2) implement and enforce the generator operation and maintenance standards that will be adopted by the California Electric Generation Facilities Standards Committee, established by the statute.

(Comr Wood)

Utilities Resolutions and Written Reports**Energy Matters****E-1 Res E-3781 - San Diego Gas & Electric (SDG&E).**

794 This resolution denies without prejudice SDG&E's proposal to return \$168 million overcollected in the Transition Cost Balancing Account (TCBA) as of March 31, 2002 to AB X1 43 customers.

(Advice Letter 1405-E filed May 10, 2002)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3091, Item E-1 7/17/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=124904

E-1a ALTERNATE TO ITEM 794

842 Urgent request to return \$168 million overcollected in the transition cost balancing account to San Diego Gas & Electric Company customers. Approximately \$52 million of the overcollection will be credited towards the Assembly Bill 265 undercollection while the remainder of the balance will be returned to large customers.

(Advice Letter 1405-E filed on May 10, 2002)

(Comr Peevey)

(Agenda 3091, Item E-1a 7/17/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126244

E-2 Res G-3318 - Pacific Gas and Electric Company (PG&E).

860 This resolution denies PG&E's request to prohibit noncore customers who use 3 million or more therms per year per meter from obtaining core service and to impose a five-year core service commitment on eligible noncore customers that do switch to core service. (Advice Letter (AL) 2326-G filed July 2, 2001, and AL 2326-G-A filed September 26, 2001).

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=126411

Rail Safety and Carrier Division Reports and Resolutions**T-1 Res SX-41****701**

This resolution authorizes the adoption of Guidelines For The Use of Four Quadrant Gates in connection with the installation of four quadrant gate systems at highway-rail grade crossings in the State of California. Gate run-around is a problem at some highway-rail grade crossings. The normal installation of crossing gates covers only the right side of the road. It is possible to go around the gates by driving on the wrong side of the road. Four quadrant gates cover both sides of the road, making it more difficult for motorists to go around the gates. Commission Resolution SX-31 authorized a rule change to General Order No. 75-C, adding Section 6.71 to allow the use of four quadrant gates. This resolution would follow up on that by adopting guidelines for the use of four quadrant gates. (Agenda 3064, Item CA-29, 5/24/01; Agenda 3067, Item T-1 7/12/01)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3089, Item T-1 6/6/2002; Agenda 3091, Item T-1 7/17/2002)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=123293

T-2 SX-49**791**

This resolution authorizes the deviation from General Order No. 75-C, Section 7.8, allowing the Union Pacific Railroad Company to retain the use of 20-inch backgrounds installed on its railroad crossing warning devices currently in operation.

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3091, Item T-2 7/17/2002)

Legislative Matters

Items

LEG-1 AJB 45 (Canciamilla)

940 Independent System Operator. Request for Commission position.

LEG-2 AB 1245 (Pescetti)

941 Production and transmission of public utility commodities and services: natural gas. Request for Commission position.

Commissioner's Reports**CR-1 Commissioners' Reports****801** Miscellaneous Commissioners' Reports.**CR-2 Commissioner Brown and Commissioner Peevey Report.****935** Commission Policies and Guidelines pursuant to Public Utilities Code Section 305, including: Public Agenda, decision document notation, access to and distribution of documents and reports.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=127904**CR-3 Commissioner Brown and Commissioner Peevey Report****795** A00-10-045 & A01-01-044 - San Diego Gas & Electric Company. Discussion of, and action on, procedural aspects of the proposed settlement of SDG&E v. Loretta Lynch, et al., U.S. District Court (S.D. Cal.), Case No. 02CV 339 BTM (JAH), a copy of which has been provided to the parties in this proceeding.
(Agenda 3090, Item CR-3 6/27/2002; Agenda 3091, Item CR-3 7/17/2002)

Management Reports and Resolutions**M-1 Management Reports****802** Miscellaneous Management Reports.**M-2 General Counsel's Report****894** Possible Addendum/Changes to Summary of Material Terms for Department of Water Resources' bond transaction.**M-3 Res M-4808****937** Commission order finding extraordinary circumstances pursuant to Public Utilities Code Section 632 for expedited contracting with UBS Warburg, LLC for consultant or advisory services relating to Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal Items

Orders

- EX-1** **Conference with Legal Counsel - Applications for Rehearing**
803 Compilation of applications for rehearing recently filed with the Commission.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session
- EX-2** **Conference with Legal Counsel - Threatened Litigation**
804 Significant exposure to litigation.
 Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session
- EX-3** **Conference with Legal Counsel - Initiation of Litigation**
805 Consideration of possible Commission initiation of, or intervention in, litigation.
 Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session
- EX-4** **Personnel Matters**
806 Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee .
 Gov. Code § 11126(a), allows this item to be considered in Closed Session
- EX-5** **A99-09-029 - Conference with Legal Counsel – Application for Rehearing.**
827 Disposition of the applications for rehearing of D01-05-059 and D01-12-017 filed by Pacific Gas and Electric Company (PG&E) on June 18, 2001 and January 11, 2002, respectively. The decisions granted PG&E’s application for certificate of public convenience and necessity for the Northeast San Jose Transmission Reinforcement project.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session

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- EX-6**
828 **A99-11-025 - Conference with Legal Counsel - Application for Rehearing.**
Disposition of the application for rehearing of D01-10-029 filed by Pacific Gas & Electric Company (PG&E) on November 13, 2001. The decision granted PG&E's application for a certificate of public convenience and necessity for the proposed Tri-Valley 2002 Capacity Increase Project.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session
- EX-7**
916 **(ECP) C01-06-040 - Conference with Legal Counsel – Application for Rehearing.**
Disposition of Application for Rehearing of D01-10-011, which was filed by Dr. Augusto Baronio Martins. In D01-10-011, the Commission disposed of Dr. Augusto Baronio Martin's Complaint against Cingular One, a wireless company.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session
- EX-8**
917 **A00-10-012 - Conference with Legal Counsel - Application for Rehearing.**
A01-06-011, A00-11-050, A00-11-040, A00-11-034, A00-11-033, A00-11-032, A00-11-029, A00-11-016, A00-11-015, A00-10-050, A00-10-039, A00-10-033, A00-10-020 - Related matters. Order disposing of applications for rehearing of D02-05-047 filed by Citizens Against the Blue Line At-Grade and Mt. Washington Association. D02-05-047 approved applications of the Los Angeles to Pasadena Metro Blue Line Construction Authority to construct at-grade crossings for the proposed light rail service between the Union Station in Los Angeles and Sierra Madre Boulevard in Pasadena.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session
- EX-9**
929 **R97-04-011 - Conference with Legal Counsel - Application for Rehearing.**
I97-04-012 - Related matters. Disposition of Application for Rehearing of Decision D02-02-046 filed by Pacific Gas & Electric Company (PG&E). D02-02-046 revised the disclaimer requirement set forth in Section V.F.1 of the Affiliate Transaction Rules and considered the implications of this revision on the penalty assessed against PG&E in D98-11-026 and D99-03-025, resulting in a reduced penalty for PG&E's violation of the legibility requirement of Affiliate Transaction Rule Section V.F.1.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session
- EX-10**
931 **A01-07-006 - Conference with Legal Counsel - Application for Rehearing.**
Disposition of application for rehearing of D02-04-005 filed by Pacific Gas and Electric Company (PG&E). D02-04-005 approved the sale by PG&E of 4.09 acres of land to the City and County of San Francisco. As explained in D02-04-005, the sale is in the public interest because it would allow PG&E to eliminate the costs of ownership while retaining ability to maintain electrical lines passing through the property. At the same time, a rulemaking should be instituted to address the allocation of the net proceeds of this transaction between ratepayers and shareholders.
Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session
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Federal Items**Items****FEX-1 Conference with Legal Counsel - Initiation of Litigation**

807 Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session

FEX-2 Case No. 01 30923 DM. - Conference with Legal Counsel – Existing Litigation.

884 Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session

FEX-3 Conference with Legal Counsel – Existing Litigation.

893 Case Name Unspecified (Disclosure of case name would jeopardize existing settlement negotiations.)

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session